

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

NEY'S DOCKET NUMBER

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371

2421-0331-2XPCT

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/147520

INTERNATIONAL APPLICATION NO.
PCT/JP98/02119INTERNATIONAL FILING DATE
14 MAY 1998PRIORITY DATE CLAIMED
14 MAY 1997

TITLE OF INVENTION

SURFACE INSPECTION APPARATUS AND SURFACE INSPECTION METHOD

APPLICANT(S) FOR DO/EO/US

Ryuzuo TOMOMATSU

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☐ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☒ has been transmitted by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☒ A copy of the International Search Report (PCT/ISA/210).
8. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
9. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. ☐ A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. ☒ A **FIRST** preliminary amendment.
A **SECOND** or **SUBSEQUENT** preliminary amendment.
16. ☐ A substitute specification.
17. ☐ A change of power of attorney and/or address letter.
18. ☐ Certificate of Mailing by Express Mail
19. ☒ Other items or information:

Notice of Priority

PCT/IB/304

PCT/IB/308

Drawings (4 Sheets)

Request For Consideration of Documents Cited in International Search Report

20. The following fees are submitted:
- BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**
- ☒ Search Report has been prepared by the EPO or JPO **\$840.00**
 - ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) **\$670.00**
 - ☐ No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) **\$760.00**
 - ☐ Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO **\$970.00**
 - ☐ International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) **\$96.00**

CALCULATIONS PTO USE ONLY

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$840.00

Surcharge of **\$130.00** for furnishing the oath or declaration later than ☒ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).

\$130.00

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	16 - 20 =	0	x \$18.00	\$0.00
Independent claims	5 - 3 =	2	x \$78.00	\$156.00

Multiple Dependent Claims (check if applicable). ☐

\$0.00

TOTAL OF ABOVE CALCULATIONS =

\$1,126.00

Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable). ☐

\$0.00

SUBTOTAL =

\$1,126.00

Processing fee of **\$130.00** for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).

\$0.00

TOTAL NATIONAL FEE =

\$1,126.00

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable). ☐

\$0.00

TOTAL FEES ENCLOSED =

\$1,126.00

Amount to be refunded	\$
charged	\$

- ☒ A check in the amount of **\$1,126.00** to cover the above fees is enclosed.
- ☐ Please charge my Deposit Account No. _____ in the amount of _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **15-0030** A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C.
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WILLIAM E. BEAUMONT
 REGISTRATION NUMBER 30,996

SIGNATURE

Marvin J. Spivak

NAME

24,913

REGISTRATION NUMBER

DATE

IN RE APPLICATION OF: Ryuzou TOMOMATSU

SERIAL NO.: New U.S. PCT Application based on PCT/JP98/02119

300 Rec'd PCT/PTO 14 JAN 1999

FILED: Herewith

FOR: SURFACE INSPECTION APPARATUS AND SURFACE INSPECTION METHOD

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is an amendment in the above-identified application.

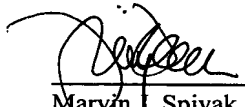
- ☒ No additional fee is required.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement previously submitted.
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 has been established by a verified statement submitted herewith.
- ☒ Additional documents filed herewith: English Translation, Notice of Priority, Check for \$1126.00, PCT/IB/308, PCT/IB/304, PCT Transmittal Letter, Preliminary Amendment, International Search Report and Request For Consideration of Documents Cited in International Search Report

The fee has been calculated as shown below.

(Col. 1)		OTHER THAN A SMALL		(Col. 2)	(Col. 3)	SMALL ENTITY		ENTITY	
	CLAIMS REMAINING AFTER		HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA		RATE	ADDITIONAL FEE	RATE	ADDITIONAL FEE
TOTAL	*16	MINUS	*** 20	= 0	X11 =	\$		X22 =	\$.00
INDEP	*5	MINUS	*** 5	= 0	X40 =	\$		X80 =	\$.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM					+130=	\$		+260=	\$
					TOTAL	\$		TOTAL	\$.00

A check in the amount of \$_____ is attached.

- XX Please charge any additional fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- XX If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

 Maryn J. Spivak
 Attorney of Record
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*If the entry in Column 2 is less than the entry in Column 1 write "0" in Column 3.

**If the "Highest Number Previously paid for" IN THIS SPACE is less than 20 write "20" in this space.

***If the "Highest Number Previously paid for" IN THIS SPACE is less than 3 write "3" in this space.